UNITED NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1128
30 April 1996

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORD OF THE 1128th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 26 February 1996, at 10.30 a.m.

Temporary Chairman: Ms. KLEIN BIDMON (Representative of the Secretary-General)

Chairman: Mr. BANTON

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GE.96-15410 (E)

The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN (Representative of the Secretary-General) declared open the forty-eighth session of the Committee on the Elimination of Racial Discrimination.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

2. The TEMPORARY CHAIRMAN read out a statement by Mr. Fall, Assistant Secretary-General for Human Rights, in which he reviewed developments since the last session which were of particular interest to the Committee. Japan, Monaco and Uzbekistan had recently acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, bringing to 146 the total number of States parties. Unfortunately, the number of States parties which had made the declaration under article 14 of the Convention and had accepted the amendments to the Convention remained unchanged since the last session at 22 and 17, respectively.

3. The Assistant Secretary-General for Human Rights noted that, in its resolution on the report of the Committee (A/RES/50/137), the General Assembly had commended the Committee for its continuous efforts to improve its contribution to the prevention of racial discrimination, including early warning and urgent procedures, and had encouraged the Committee to continue its cooperation with the relevant structures and mechanisms of the United Nations, including the special rapporteurs and the United Nations High Commissioner for Human Rights.

4. The General Assembly had also adopted a resolution on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, in which it had welcomed all appropriate measures the human rights treaty bodies might take in response to situations of massive human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations. The General Assembly had also recognized the important role played by non-governmental organizations in the effective implementation of all human rights instruments and had encouraged the Secretary-General to facilitate the exchange of information between human rights treaty bodies and such organizations.

5. The Assistant Secretary-General for Human Rights then drew the Committee's attention to the recommendations regarding the need to take into consideration problems specific to women in monitoring the implementation of treaties prepared by human rights treaty bodies, in the spirit of the Beijing Declaration and Platform for Action. He hoped that, during its session, the Committee would be able to consider that question in depth.

6. The Assistant Secretary-General for Human Rights encouraged the Committee to continue to play a central role in the activities being carried out under the Programme of Action for the Third Decade to Combat Racism and Racial

Discrimination. He also encouraged the Committee to pursue its cooperation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

7. The Assistant Secretary-General for Human Rights referred to the acute financial crisis of the United Nations, the repercussions of which would affect the activities of the Centre for Human Rights. He nevertheless hoped that the process of restructuring the Centre which was already in progress and which should strengthen support for the activities of the Committee would be able to continue.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 14 OF THE RULES OF PROCEDURE (item 2 of the provisional agenda)

8. The TEMPORARY CHAIRMAN noted that one re-elected member, Mr. Diaconu, was absent.

9. In accordance with rule 14 of the rules of procedure, Mr. van BOVEN, Mr. FERRERO COSTA, Mr. GARVALOV, Mr. RECHETOV, Mrs. SADIQ ALI, Mr. VALENCIA RODRIGUEZ and Mr. YUTZIS, re-elected members of the Committee, and Mrs. ZOU, Committee member newly elected at the Sixteenth Meeting of the States Parties to the Convention, made the following solemn declaration:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously".

ELECTION OF OFFICERS (item 3 of the provisional agenda)

10. The TEMPORARY CHAIRMAN invited the Committee, in accordance with article 10, paragraph 2, of the Convention and with rules 15 and 16 of the rules of procedure, to elect a Chairman, three Vice-Chairmen and a Rapporteur for a term of two years.

11. Mr. WOLFRUM, supported by Mr. SHERIFIS and Mr. GARVALOV, nominated Mr. Banton for the office of Chairman of the Committee.

12. Mr. Banton was elected Chairman by acclamation.

13. Mr. Banton took the Chair.

14. Mr. ABOUL-NASR, supported by Mrs. SADIQ ALI, Mr. WOLFRUM, Mr. SHERIFIS, Mr. FERRERO COSTA and Mr. RECHETOV, nominated Mr. Chigovera for the office of Rapporteur.

15. Mr. Chigovera was elected Rapporteur by acclamation.

16. Mr. VALENCIA RODRIGUEZ, supported by Mr. ABOUL-NASR, Mr. van BOVEN, Mr. GARVALOV, Mr. de GOUTTES and Mr. SHERIFIS, nominated Mr. Ferrero Costa for one of the offices of Vice-Chairman.

17. Mr. Ferrero Costa was elected Vice-Chairman by acclamation.

18. Mr. SHERIFIS, speaking on behalf of the members of the Asian group of the Committee, nominated Mrs. Sadiq Ali for the office of Vice-Chairman.

19. Mrs. Sadiq Ali was elected Vice-Chairman by acclamation.

20. The CHAIRMAN announced that the election of the third Vice-Chairman of the Committee, who would be selected from members of the Eastern European group, would be postponed until the arrival of Mr. Diaconu.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda)

21. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the provisional agenda, which appeared on page 2 of document CERD/C/300.

22. It was so decided.

ORGANIZATION OF WORK

23. Mr. O'FLAHERTY (Secretary of the Committee), replying to the questions of Mr. Aboul-Nasr and Mr. Rechetov, indicated where documents useful to the Committee could be found and noted that the consideration of the situation of countries which had not submitted their report due at the current session, in particular India, would be based on the procedures applicable to countries with long overdue reports, using the most recent reports to date and relevant parts of various documents, such as annual reports of other committees and reports of special rapporteurs.

24. Mr. RECHETOV and Mr. WOLFRUM said that the situation with regard to certain States which had been part of the former Soviet Union was unclear. While it had requested those States to accede or confirm their accession to the Convention, the Committee had not ascertained whether they had complied with the request. Some States, like Estonia, had already reported to other bodies, but had not submitted information to the Committee. As for Uzbekistan, which had in the past been included in the consideration of the situation of the Soviet Union, it was not clear whether it had ratified the Convention, acceded to it or accepted the obligations arising from it for the former Soviet Union.

25. Mrs. KLEIN (Representative of the Secretary-General), referring to the last point, said that notification of the accession of Uzbekistan had been sent from New York by fax. The official text would be arriving subsequently and it was, in fact, an accession rather than a succession or a ratification.

26. Mr. FERRERO COSTA drew the Committee's attention to the importance of the questions to be dealt with in the framework of early warning and urgent procedures. He hoped that the problems resulting from the financial situation of the United Nations - about which Mr. Bahi, Chief of Conference Services,

would be speaking to the Committee that afternoon - would not overshadow the consideration of disturbing situations such as those in Bosnia and Herzegovina or Rwanda and stressed that such consideration should take place at the start of the session rather than at the end. He associated himself with Mr. Rechetov and Mr. Wolfrum in requesting that the Committee should urge the States of the former USSR to clarify their situation in respect of the Convention.

27. Mr. O'FLAHERTY (Secretary of the Committee) said that a representative of the Coordinator of the Third Decade to Combat Racism and Racial Discrimination would participate, on Wednesday, 13 March, in the meeting which the Committee would be devoting to that topic.

28. Mr. de GOUTTES said he hoped that the Committee would invite the Special Rapporteur on contemporary forms of racism, Mr. Glélé Ahanhanzo, to hold a dialogue with the members of the Committee and submit his most recent report to them.

29. Mr. O'FLAHERTY (Secretary of the Committee) said that the Special Rapporteur had not yet completed his report and that he would submit it to the Commission on Human Rights which would be meeting in spring 1996.

30. Mr. WOLFRUM stressed the urgent need to examine the draft decision on self-determination and the draft general recommendation on article 5, of which he would be proposing a revised version to the Committee, the question of the Hague International Tribunal and the very disturbing situation in countries such as Greece, Bosnia, Rwanda, Burundi and Guatemala.

31. Mr. YUTZIS said he agreed that the situation in the countries mentioned by Mr. Wolfrum should be given priority consideration.

32. Mr. SHERIFIS said that, in view of the large number of questions which the Committee had to consider, it might be better to ask Mr. Bahi to discuss the financial situation of the United Nations with the Bureau.

33. The CHAIRMAN said that it was important for all members of the Committee to be informed of the financial constraints facing the United Nations and the implications of those constraints for their work.

34. Mr. GARVALOV said that the Committee should consider as soon as possible the questions mentioned in the footnotes to the programme of work distributed in the meeting and set aside enough time for those matters. It should also consider the draft recommendation on the use of the Internet for the purposes of disseminating racist propaganda, prepared by the Chairman.

35. The CHAIRMAN said that that question could be discussed within the framework of the agreement between the Committee and the Sub-Commission on the review of article 7 of the Convention.

36. Mr. ABOUL-NASR said that priority should be given to article 9 of the Convention and to the early-warning system.

37. Mr. van BOVEN said that consideration should be given as soon as possible to the sixth report of the Chairpersons of treaty bodies, the early warning and urgent procedures for the prevention of racial discrimination and the situation in certain countries.

38. The CHAIRMAN said that the Bureau would draw up the final programme of work bearing in mind the suggestions made by the members of the Committee.

The meeting rose at 11.55 a.m.